HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

Writ Petition No.20102 of 2006

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Between:

V.S.R. Nageswara Rao …Petitioner.

And

Guntur Municipal Corporation,
represented by its Commissioner,
Guntur and others. ….Respondents.

:: O R D E R ::

Counsel for the petitioner : Sri P.R. Prasad

Counsel for respondent No.1 : Sri B. Venkataratnam

Counsel for respondent No.2 : Sri V. Padmanabha Rao

Counsel for respondent Nos.3 and 4 : Sri A. Venkataramana

13th March, 2007

Per G.S. SINGHVI, C.J.

In this petition, the petitioner has prayed for issue of a mandamus to respondent No.1 to demolish the illegal constructions raised by respondent Nos.2 to 4 in premises bearing D.No.23-6-132 (Old) D.No.23-6-136 (New), 137 and 138 situated in Patnam Bazar, Guntur in violation of the sanctioned plan.

In furtherance of the direction given yesterday, Sri D. Rama Rao, Commissioner, Municipal Corporation of Guntur has filed additional affidavit. Paragraph 3 of that affidavit reads as under:

> "I further submit that before the receipt of the Hon'ble High Court order dated 27-9-2006 the ground position of the building construction is that the cellar portion was completed, pillars were erected for ground floor and making arrangements for roof slab. The respondents 2 to 4 made a slab on the ground floor. Notice under Section 66 of the HMC Act was issued on 17-2-2007 and in pursuance of the notice, the deviated portion was demolished on 23-2-2007. Therefore, the order of the Hon'ble Court dated 25-1-2007 has been complied. The photos are filed along with this petition."

Learned counsel for the petitioner says that in view of the aforementioned development, his client may be permitted to withdraw the writ petition with liberty to avail remedy by filing civil suit.

In the facts and circumstances of the case, we deem it proper to accept the request of the learned counsel and dismiss the writ petition as withdrawn with liberty to the petitioner to avail remedy by filing civil suit.

As a sequel to dismissal of the writ petition as withdrawn, WPMP. No.25381 of 2006 filed by the petitioner for interim relief is

disposed of as infructuous.

G.S.SINGHVI, C.J.

13th March, 2007

C.V.NAGARJUNA REDDY, J.

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